

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
06/07/07
5:30PM

ATTENDANCE: Randy Mackie, Jon Rolewicz, Nick Kroes,
Kirk Kolberg, Greg Borgman, Ed Simmons

ABSENT:

EXCUSED: Chris Carter

STAFF: Mark Kincaid, Jim Hoppus, Carmen, Don LaBrenz, Ken Murar,
Henry Faltinowski

GUESTS: Ideal Property Solutions(316 E. Forest), Ed Imbault (1476 Beidler-
Garage), Anthony Gomez (1497 Division), Jeff Myers (553 Allen),
Allan Seger (1752 Beach), Jasper Love (1850 Park)

Meeting minutes: A motion was made by Randy Mackie and seconded by Jon Rolewicz to approve the May 2007 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				
		Chris Carter		
Ed Simmons				
Kirk Kolberg				

Motion carried.

Mark Kincaid stated that 253 Isabella (Garage) was removed from agenda because permit was issued.

DANGEREROUS BUILDING REVIEW CASES:

EN-070060 -553 Allen – Jeffrey Myers/Brad Lehman, 1646 W. US 10, Baldwin, MI 49304

Jeff Myers was present to represent case.

Greg Borgman reviewed agenda stating an interior inspection was conducted but no permits issued nor a time schedule set up. Mr. Myers stated when he was before board last case was tabled so he could get a better estimate when he could complete the repairs. Mr. Myers said he had a change in plan after the interior inspection he realized how bad shape the property was in, while waiting for loan to go thru he said he had already started and took apart garage completely and begun removing the refuse and would like to start with the exterior and would like to pull permits starting next week. Greg Borgman said board had requested that a timetable be submitted and now it appears you have gone on your own against the board advise. Mark Kincaid said an interior inspection did take place on May 18, 2007 but no activity as far as timeline or permits since that time. Ed Simmons asked Mr. Myers if he was aware that he wasn't suppose to work on home without permits. Mr. Myers said he wasn't doing any major renovations just cleaning up. Ed Simmons asked if a demolition permit was required. Henry Faltinowski said a demo permit is required. Mr. Myers said he would be happy to apply for permits. Greg Borgman said his concern is the timeline wasn't submitted and now you're telling board what your interpretation of the work should be. Mr Myers said he would seek the proper permits. Greg Borgman said it's important to do the timeline first then permits. Greg Borgman reviewed process if Housing Board of Appeals were to declare the property dangerous tonight. Nick Kroes asked that staff monitor progress.

Staff Recommendation: Declare the buildings substandard, a public nuisance, and a dangerous building.

Motion made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

EN-070041- 1476 Beidler –Garage – Edna Imbault, 5685 Ridge Pine Ct. Cedar Springs, MI 49319

Ed Imbault and Tim Chipmon were present to represent case.

Mr. Chipmon who now resides at the house said roof needs to be replaced but he said he's cleaning it up and making it secure until it's decided if they are going to fix it up or not. Mr. Imbault said he really doesn't have the money now to fix it but doesn't want to demolish it because the structure is solid. Mr. Imbault stated he has priced the roof system and estimates it will be about \$5,000.00, Mr. Imbault said he plans to sell his cottage next week and will then have the money to repair. He said they have 20 years of debris from tenants dumping. Greg Borgman stated the agenda indicated the last contact with owner, it was mentioned that work would commence in March but no permits have been issued.

Mr. Imbault apologized for not keeping in touch but if sale of cottage doesn't go thru he may have to entertain demolishing the structure at which time he would apply for a demolition permit. Henry Faltinowski said first the garage needs to be secured and if there is any shoring work being done the Inspection Department needs to see diagrams on how you're doing that. An inspection needs to be done to see work.

A motion was made by Jon Rolewicz to table the case until the August 2007 meeting pending an interior inspection and was seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

EN-070067 – 1497 Division – Anthony Gomez, 165 Hickory St., Spring Lake, MI 49456

Anthony Gomez was present to represent property.

Mr. Gomez stated house became vacant at the end of March 2007 and house was secure but either tenants or kids vandalized home and boards were put over doors to secure property the first 10 days of April. Mr. Gomez said he contacted Mr. Houghtaling, the housing inspector and informed him he would start on the repairs the middle of July. He said the inside of the structure other than broken glass is not in that bad of shape but looks worst than what it appears and it would take him about 30 days to complete repairs. Mark Kincaid stated there has not been an interior inspection but the exterior has an extensive list of violations. Mr. Gomez said outside has a fiberboard siding and if not sealed moisture will make it bow even though it looks like it's collapsing, he said underneath the wood clap board is fine. On the front, 3 cement blocks was knocked loose and he feels violation list is misleading. Nick Kroes asked if intention was to repair exterior or was he questioning list. Mr. Gomez stated he plans to correct all violations. Henry Faltinowski said an interior inspection and timeline is needed.

Staff Recommendation: Table case until August 2007 provided timeline submitted and interior inspection scheduled.

Motion made by Randy Mackie and supported by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

EN-060422 – 316 E. Forest – Ideal Property Solutions, P.O. Box 274, Fruitport, MI 49415

The owner of Ideal Properties was present to represent case.

Mr. Chaney stated notice came as a total surprise because he purchased home from a Wendy Hanosh having never met her and it was never disclosed to him that there was an inspection or problem. He said he was aware the home was in disrepair, but in the meantime he was approached by someone who bought an option on the house to repair it. He said the buyers are Hispanic and there was a language barrier and said when they tried to get a permit was denied by the Inspection Department because of the Dangerous Building status. Ed Simmons asked if Mr. Chaney had been inside building and he responded yes and stated it does need a lot of work. Mr. Chaney said the option to buy is with the agreement that financing be acquired in one year. Don LaBrenz stated he spoke with the two sisters and who are concerned about resources and stated their original intent was to fix up and sell so one sister could purchase home. Don stated he expected to hear from the father of the girls who appears to have some construction experience but no contact has been made with father. Mark Kincaid said there are concerns if they were to fix and sell they would need licensed contractors. Mr. Chaney said he's looking into non disclosure. Ed Simmons said it appears this property has gotten pushed off to others and nothing is getting done.

A motion was made by Nick Kroes to declare the building substandard, a public nuisance, and a dangerous building and was seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

EN-070048 -1850 Park – Jasper Love, 1850 Park St., Muskegon, MI 49441

Jasper Love was present to represent property.

The board made clarification of mailing address of owner as being 1996 9TH St., Muskegon Heights, MI 49444.

Mr. Love stated property is a commercial building and has 6 sections of roof on the north section in bad shape and starting to collapse. Mr. Love stated he tried to get a building permit but was told he needed to get an engineer first. He stated he did get a permit to start stripping it and has hired an engineer to start a roof design. Henry Faltinowski stated staff conducted a walkthrough of the building and it has a major

collapse of the roof system with a section of 200 sq ft that could come down on anyone at any time. Mr. Faltinowski stated Inspections needed a State of Michigan licensed engineer to submit building plan and timetable. Mark Kincaid said there is concern because interior has been open to elements for two years. Mr. Love stated structure has been sealed so public can't enter in. Greg Borgman asked if there were a projected cost and if owner had funding for repairs. Henry Faltinowski asked what was the intent of the building and Mr. Love said it would be used as a warehouse.

Motion made to table case until next meeting by Kirk Kolberg and seconded by Ed Simmons.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

EN-070046 – 1752 Beach – House & Garage – Allan Seger, P.O. Box 7180, Ann Arbor, MI 48107

Allan Seger was present to represent case.

Mr. Seger said he's been to the Inspections Department twice to pull permits but was told he couldn't obtain permits at the time and he's had a significant amount of family sickness and death to deal with. He stated he called to speak with Don LaBrenz was given a two week time window to make contact. Mr. Seger said he wrote a letter to Mr. LaBrenz but then was shocked when received a notice to appear before HBA. Mr. Seger said the house was solid but not built by qualified carpenters and sorry to say it does not have curb appeal to the neighbors who were present at meeting. Mr. Seger said he had no intention of fixing it up but wanted to exercise the opportunity of possibly rebuilding on the property. He said he would like to have time to sit down with building department to consider his options. Greg Borgman asked about what true intentions are and Mr. Seger said since the window of opportunity has been narrowed. Nick Kroes asked if Mr. Seger had a timeline for repairs. Mr. Seger said he put a new roof on a few years ago, but would like to sit down with Inspections Department and iron out a couple of options. Nick Kroes asked again about timeline and Mr. Seger said he couldn't commit to a definite time now, he said property has a

lot of windows and had thought of making a fish bowl out of it. Greg Borgman asked how quickly could a interior could be done. Mark Kincaid said case was taken off agenda in March after Mr. Seger came in and met with Inspection and outlined his plan but no action has been taken since that time. Mr. Seger said it bothers him that notice was not received regarding the first meeting. Mark Kincaid said case was taken off the agenda when Mr. Seger came in so that's why he didn't receive notice. Greg Borgman asked Don LaBrenz why Mr. Seger was told he couldn't get a permit and Mr. LaBrenz stated he told Mr. Seger that he would like the building inspector to conduct an interior inspection first to determine if there were structural issues to be addressed so that everyone would be on the same page as to the scope of the work. Mr. Seger asked if the board could give him a suggested timeline and Greg Borgman said each case is individualized based on interior inspection. A neighbor who lives north of property spoke regarding the locust tree which is close to electrical poles and her concern if the tree were to fall would affect her electrical service and she feels the house is a fire hazard, a shamble and not attractive. Mr. Seger said he would be willing to remove tree and his intention is to contact Consumers to put lines underground. Greg Borgman explained decision of Housing Board of Appeals and that case would be forwarded to City Commission and encouraged Mr. Seger to use the interim to schedule interior inspection and establish a timeline and obtain permits to complete repairs. Mr. Seger asked how long of a window does he have. Mark Kincaid stated that it would be a minimum of 30 days but normally closer to 60 days, but if progress is being made case would not go before City Commission.

Staff recommendation: Declare the building substandard, a public nuisance, and a dangerous building.

Motion made by Randy Mackie and was seconded by Jon Rolewicz. to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
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Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				

		Chris Carter		
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Ed Simmons				
Kirk Kolberg				

Motion carried.

EN-060393 – 1660 Dyson (Garage) –Rosemary Harris, 1660 Dyson St., Muskegon, MI 49442

No one was present to represent case.

Staff Recommendation: Declare the building substandard, a public nuisance, and a dangerous building.

Motion made by Randy Mackie and was seconded by Jon Rolewicz. to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
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Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

OLD BUSINESS:

Nick Kroes reported on condition of property at 145 W. Southern.

NEW BUSINESS:

Mark Kincaid reported that the City Commission did not concur with the Housing Board of Appeals regarding the property at 790 Terrace. Ed Simmons asked if the issue was just structural and Mr. Kincaid stated the structural concern had been addressed but seems no progress took place until case was scheduled before a meeting. There was a discussion and decision between staff and board to postpone July Housing Board of Appeals until August 2007.

ADJOURNMENT: 6:30 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773